

REMARKS

This Amendment is in response to the Office Action mailed March 7, 2007. Applicant has amended claim 14 to remove an alleged informality. Moreover, independent claims 1, 9 and 19 have been amended to identify that the local routing instances are for networking protocols such as an Internet Protocol (IP) protocol as specifically identified in claims 1 and 19. Claims 1 and 19 include the limitations of claims 4 and 20, respectively. Claims 4 and 20 have been cancelled without prejudice. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 102

Claims 1-3, 5-13 and 19 were rejected under 35 U.S.C. §102(e) as being anticipated by Lapuh (U.S. Patent Publication No. 2003/0097470). Applicants respectfully disagree. However, such rejection is moot because independent claims 1, 9 and 19 have been amended to identify that the local routing instances are for Layer 3 (L3) networking protocols such as Internet Protocol (IP) networking protocols.

Hence, Applicants respectfully request that the Examiner withdraw the §102(e) rejection of claims 1-3, 5-13 and 19.

Rejection Under 35 U.S.C. § 103

Claims 4, 14-18 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lapuh in view of Goodwin (U.S. Patent Publication No. 2002/0124107). Applicants respectfully traverse the rejection because Lapuh does not constitute prior art.

Herein, the Office Action uses Lapuh as prior art references under 35 U.S.C. §103(a). However, 35 U.S.C. §103(c) excludes references which may qualify as prior art under 35 U.S.C. § 102(e), (f), and (g) from being used as a prior art reference under 35 U.S.C. §103(a). The text of 35 U.S.C. §103(c) recites that “[s]ubject matter developed by another person, which qualifies as prior art under one or more of subsections (e), (f) and (g) of section 102 of this title, shall *not* preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.” *Emphasis added; See 35 U.S.C. §103(c), MPEP 706.02(I)(1).*

Herein, the subject application has been assigned to Nortel Networks Limited. Lapuh is a published application also assigned to Nortel Networks Limited (Reel 016462/Frame 0690) on or around November 29, 2004. At the time of filing, both Lapuh and the claimed invention set forth in the subject application were subject to an obligation of assignment.

Therefore, Applicants respectfully request that the Examiner withdraw this outstanding rejection of claims 1-3 and 5-19 under 35 U.S.C. §103(a).

Conclusion

Applicant reserves all rights with respect to the applicability of the doctrine of equivalents. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.